THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO : 1545 of 2006

DATE: 28.1.2006

Between:

Devineni Eswara Naidu, S/o Penchala Naidu, aged about 51 years, F.P. Shop Dealer, R/o Nernoor, Chejerla Mandal, Nellore District.

Petitioner……..

And

1. The Joint Collector and Addl. District Magistrate, Nellore, Nellore District and others.

Respondents……..

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ORDER:

Heard the learned counsel appearing for petitioner as well as the learned Government Pleader for Civil Supplies.

Petitioner is a Fair Price Shop Dealer of Nernoor Village, Chejerla Mandal, Nellore District. It is stated that originally there were 180 cards allotted to the shop and as Nernoor Village proper became submerged under the Water Spread Area of Kandaleru Reservoir under Telugu Ganga Project, the displaced villagers were shifted their residences to Kollapunaidupalli Village, which is situated about one kilometre from old Nernoor Village, therefore, the petitioner shifted his residence to Kollapunaidupalli, which is centrally located to distribute the essential commodities.

It is seen from the orders of the Revenue Divisional Officer, Nellore, that in spite of repeated instructions to shift the office from Kollapanaidupalli Village to Nernoor rehabilitation centre to distribute essential commodities, the petitioner has not adhered the said instructions and he was found distributing essential commodities at Kollapanaidupalli Village only and therefore, the dealership of the petitioner was suspended by the impugned order dated 27.12.2005. While suspending the Fair Price Shop Dealership, a show cause notice was also issued as to why dealership of the petitioner shall not be cancelled. As against the said order, the petitioner filed an appeal before the Joint Collector, Nellore on 18.1.2006 along with a stay petition but no orders have been passed till now.

The learned counsel appearing for the petitioner submits that the petitioner is ready and willing to shift his shop and business from Kollapanaidupalli Village to Nernoor Rehabilitation Centre as directed by the authorities.

Having regard to the facts and circumstances of the case, the order of suspension dated 27.12.2005 is kept in abeyance pending disposal of the appeal before the Joint Collector, Nellore District, subject to condition that the petitioner shifts the shop from Kollapanaidupalli Village to Nernoor Rehabilitation Centre and run his business at Nernoor Rehabilitation Centre.

With the above observation, this Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

Date: 28.01.2006.

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Note: Furnish copy in two days.

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